

REMARKS

I. Allowable Subject Matter

Applicants wish to thank the Examiner for indicating that claims 2, 8, 13, 19 and 20 are allowable if rewritten in independent form. Applicants, however, respectfully submit that these claims are allowable in their present form for at least the reasons set forth below.

II. The Section 102 Rejections

Claims 1, 3, 4, 6, 7, 11, 12, 14, 15, 17, 18 and 22 were rejected under 35 U.S.C. §102(e) based on Nomura, U.S. Patent No. 7,027,482 ("Nomura"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Each of the claims of the present invention include the generation of a plurality of amplifier scaling factors from a plurality of received signals and the generation of an aggregate scaling factor based on the amplifier scaling factors.

In contrast, Nomura does not appear to derive its scaling factor based on a plurality of amplifier scaling factors.

Instead, Nomura appears to generate a scaling factor from an average power (column 3, lines 4-6); there is no discussion or suggestion in Nomura of generating a plurality of amplifier scaling factors that are, thereafter, used to generate an aggregate scaling factor.

Because Nomura does not disclose an aggregate scaling factor derived from a number of amplifier scaling factors as in the claims of the present invention, it cannot anticipate the claims under §102(e).

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1, 3, 4, 6, 7, 11, 12, 14, 15, 17, 18 and 22.

III. The Section 103 Rejections

Claims 10 and 21 were rejected under 35 U.S.C. §103(a) based on Nomura. Applicants respectfully disagree and traverse these rejections for at least the following reasons.

In the Office Action the Examiner acknowledges that Nomura does not teach the specific averaging times in claims 10 and 21. Further, Applicants point out that claims 10 and 21 depend on either claims 1 and 12 and are, therefore, patentable over Nomura for the reasons set forth above.

Accordingly, Applicants respectfully request withdrawal of the rejections and allowance of claims 10 and 21.

In the event this Response does not place the present application in condition for allowance, Applicants request that the Examiner contact the undersigned at (703) 266-3330 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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